

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**JAMES FARAH,**

**Plaintiff,**

**v.**

**LASALLE BANK NATIONAL  
ASSOCIATION, et al.,**

**Defendants.**

Civ. No. 15-cv-2602 (KM)

**OPINION & ORDER**

**KEVIN MCNULTY, U.S.D.J.:**

James Farah brings this action arising from “Defendants’ negligent, fraudulent and unlawful conduct concerning a residential mortgage loan transaction and foreclosure action.” (Cplt. ¶ 1, ECF no. 1) I noted in a text order that Farah denied that any final judgment of foreclosure had been entered, and asked the parties for, *inter alia*, a status update as to the state foreclosure action, plus any further arguments as to *Colorado River* abstention. (ECF no. 29) A timely response from defendant had appeared on the docket (ECF nos. 30) when I filed my Opinion and Order (ECF nos. 31, 32). No response from the plaintiff had appeared. By letter received today (ECF no. 34), Mr. Farah states that he delivered a response by hand to the clerk. Evidently, because of the time required to scan hand submissions, it was not entered on the docket until after I entered my order. It appears there now. (ECF no. 33)

Mr. Farah’s objection is well taken. I will keep in mind delays in the clerk’s filing of paper submissions in interpreting future deadlines.

I consider Mr. Farah’s contentions, but they do not affect my Opinion and Order. Mr. Farah states primarily that neither *Rooker-Felman* nor *Colorado River* abstention is appropriate. In my Opinion, however, I agreed, and did not apply either. ECF no. 31 at 11–16. If his submissions are considered as a motion for reconsideration, it is denied.

Mr. Farah accuses defense counsel of falsely representing that the foreclosure action is still pending. As proof, he attaches a "Foreclosure Dismissal Notice." That notice states that the court *will* dismiss the action for lack of prosecution, without prejudice, unless certain actions are taken. The current status is not given.

Defense counsel informally asserted that they had consulted with foreclosure counsel, who say there is "no change in the status of the State Court Action," and were seeking a final judgment of foreclosure. (ECF no. 30 at 2) It is time any uncertainty was cleared up. I shall require an affidavit as ordered in ¶ 2, below.

**ORDER**

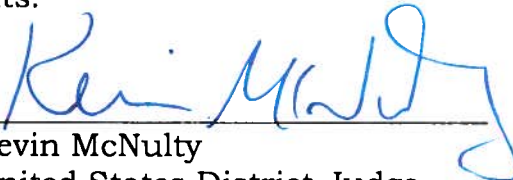
For the reasons stated above,

IT IS this 1<sup>st</sup> day of April, 2016

ORDERED as follows:

1. Plaintiff's submissions (ECF nos. 33, 34) are treated as a motion for reconsideration and DENIED because the matters to which they refer were decided in Plaintiff's favor.

2. Within 7 days, counsel for defendant, Ryan M. Philp, Bracewell LLP, shall file an affidavit, attaching relevant orders or other evidence, stating precisely what the status of the state foreclosure action is, and stating the dates of any upcoming scheduled events.

  
Kevin McNulty  
United States District Judge